

REMARKS

By this Amendment, claim 2 is cancelled, claims 1, 3-7 and 9 are amended, and claims 11-19 are added. Claim 8 remains in the application. Thus, claims 1 and 3-19 are active in the application. Reexamination and reconsideration of the application are respectfully requested.

The specification and abstract have been carefully reviewed and revised in order to correct grammatical and idiomatic errors in order to aid the Examiner in further consideration of the application. The amendments to the specification and abstract are incorporated in the attached substitute specification and abstract. No new matter has been added.

Also attached hereto is a marked-up version of the substitute specification and abstract illustrating the changes made to the original specification and abstract.

In item 2 on page 2 of the Office Action, claims 1-3 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Miralles et al. (U.S. 6,050,004). This rejection is traversed and is inapplicable to new claims 11-19 for the following reasons.

Conventional sports shoes include two separate parts that can slide on each other along a longitudinal axis. In particular, conventional sports shoes provide that the toe unit of the shoe can be moved forward relative to the heel unit so as to increase the length (size) of the shoe.

However, conventional sports shoes only allow for a size adjustment in the longitudinal direction by moving the toe unit forward relative to the heel unit. While this feature may suit some users of the sports shoe, it neglects those who have wider feet because the forward movement of the toe unit merely accommodates users with long feet. Furthermore, even if the user has manipulated the length of the shoe to accommodate his or her shoe length, another problem is that sports shoes that are otherwise correct in length may cause loss of blood circulation due to a excessively tight fit in the heel region.

Accordingly, the present invention was devised to allow for an increase in the volume of the shoe where both the width of the toe unit and heel unit can be increased.

This feature of the present invention was originally recited in claim 2, which has been rewritten in claim 1. Thus, amended claim 1 recites that the sports shoe comprises adjusting means for increasing an overall volume of the sports shoe by way of a forward

movement of the toe unit with respect to the heel unit, where the adjusting means are adapted to produce an increase in width of the heel unit as a consequence of the forward movement of the toe unit.

New claim 11 recites that the toe unit is operable to be moved forward with respect to the heel unit so as to increase a width of both of the toe unit and the heel unit caused by the forward movement of the toe unit which pushes outwardly on sides of the heel unit.

Miralles et al. discloses a sports shoe which includes a cradle 7A (heel part) that supports the user's heel and extends forward to constitute the sole 3, and a vamp 7B (toe part) that is affixed to the cradle 7A. In particular, Miralles et al. discloses that the cradle 7A is formed from a rigid material defining the rear envelope 13 of the shoe, and the vamp 7B is affixed to the cradle 7A by means of connecting elements 14 after a "telescopic" adjustment of the vamp 7B in the longitudinal direction with respect to the cradle 7A (see Column 3, lines 4-28 and Figure 3-5). Miralles et al. further discloses that slots 31 of the vamp 7B extend in the longitudinal direction of the sole 3 and are located near the lateral edges of the plantar support 3B of the vamp 3B. Miralles et al. discloses that the slots 31 allow for an elastic deformation of the plantar support 3B in the transverse direction when the plantar support 3B passes between the lateral zones 13a of the cradle 7A while nesting in the cradle 7A (see Column 3, lines 30-41 and Figures 6-7).

Accordingly, Miralles et al. merely discloses a multiple-size sports boot where in the increase in size is obtained by fixedly positioning a soft toe portion of the shoe with respect to the rigid heel portion. Furthermore, the slots 31 of Miralles et al. do not engage with any of the rivets 14 (corresponding to the "protrusions" of the present invention), but merely have the purpose of allowing deformation of the soft toe portion 7B while the soft toe portion 7B is nested in the rigid heel portion 7A, which is not deformable.

Therefore, despite the Examiner's assertion to the contrary that Miralles et al. discloses an increase in width (expansion) in the heel portion 7A, Miralles et al. merely discloses that the length of the shoe can be adjusted and the soft toe portion 7B can be nested in and fixedly attached to the rigid heel portion 7A.

Thus, Miralles et al. clearly does not disclose or suggest adjusting means which are adapted to produce an increase in width of the heel unit as a consequence of the forward movement of the toe unit, as recited in claim 1. Similarly, Miralles et al. clearly does not disclose or suggest that the toe unit is operable to be moved forward with respect to the heel unit so as to increase a width of both of the toe unit and the heel unit caused by the forward movement of the toe unit which pushes outwardly on sides of the heel unit, as recited in new claim 11.

Accordingly, claim 1 and new claim 11 are clearly not anticipated by Miralles et al. since Miralles et al. fails to disclose each and every limitation of claims 1 and 11. Furthermore, because of the clear distinctions discussed above, it would not have been obvious to one skilled in the art to modify the rigid material of the heel unit 7A of Miralles et al. and the soft toe unit 7B to achieve an increase in width of the heel unit caused by the forward movement of the toe unit which pushes outwardly on the sides of the heel portion.

Therefore, claims 1 and 11 are both not anticipated by Miralles et al. nor rendered obvious by any modification of Miralles et al.

In item 4 on page 3 of the Office Action, claims 4-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miralles et al. and Aluxa (EP 0 443 293). Further, in item 5 on page 3 of the Office Action, claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Miralles et al.

As demonstrated above, Miralles et al. clearly fails to disclose or suggest each and every limitation of claims 1 and 11.

However, Alexa also does not disclose or suggest that an increase in width of the heel unit can be achieved by the forward movement of the toe unit which pushes outwardly on the sides of the heel portion, as recited in claims 1 and 11.

Therefore, Alexa fails to cure the deficiencies of Miralles et al. for failing to disclose or suggest each and every limitation of claims 1 and 11.

Accordingly, no obvious combination of Miralles et al. and Alexa would result in the inventions of claims 1 and 11 since Miralles et al. and Alexa, either individually or in combination, disclose or suggest each and every limitation of claims 1 and 11.

Therefore, claims 1 and 11 are clearly allowable over Miralles et al. and Alexa.

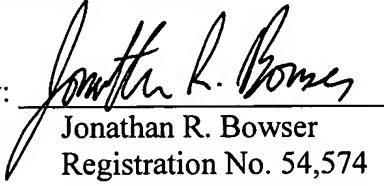
Furthermore, it is submitted that the clear distinctions discussed above are such that a person having ordinary skill in the art at the time the invention was made would not have been motivated to modify Miralles et al. and Alexa in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1 and 11. Therefore, it is submitted that the claims 1 and 11, as well as claims 3-10 and 12-19 which depend therefrom, are clearly allowable over the prior art as applied by the Examiner.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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